

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LORNA JAMES,	:	CIVIL ACTION
Plaintiff,	:	
	:	NO. 97-99
v.	:	
	:	
VALLEY TOWNSHIP, et al.,	:	
Defendants.	:	

**M E M O R A N D U M**

BUCKWALTER, J.

September 4, 1997

**I. INTRODUCTION**

Plaintiff Lorna James ("Plaintiff") has filed this section 1983 action against Valley Township and the Board of Supervisors of Valley Township, alleging various claims surrounding her discharge from the position of Township Treasurer.

Presently before the Court for disposition are the Motion for Summary Judgment of Defendant Wilson Lambert, a member of the Board of Supervisors of Valley Township, and Plaintiff's response thereto. For the following reasons, I will grant Defendant's Motion.

Defendant Wilson Lambert ("Defendant") argues that the Court should grant his Motion for Summary Judgment because Plaintiff has only sued him in his official capacity as a member of the Board of Supervisors of Valley Township. In response,

Plaintiff contends that the Court should sustain her claims as "official capacity suits are specifically approved." As I agree with Defendant's argument, I will grant the Motion for Summary Judgment.<sup>1</sup>

## **II. DISCUSSION**

Official liability suits generally represent only another way of pleading an action against an entity of which an officer is an agent. Marshall v. Borough of Ambridge, 798 F. Supp. 1187, 1198 (W.D. Pa. 1992) (citing Kentucky v. Graham, 473 U.S. 159, 165-66 (1985)). As long as the government entity receives notice and an opportunity to respond, an official capacity suit is to be treated as a suit against the entity. Id. Because a claim against a municipal official in his or her official capacity is tantamount to a claim against the entity, it is not necessary to bring official capacity actions against local government officials. Marshall, 798 F.Supp. at 1198.

In the case at bar, Plaintiff has sued Mr. Lambert solely in his official capacity as a member of the Board of Supervisors of Valley Township, not in his individual capacity. See Complaint (attached as Exhibit A to Defendant's Motion for Summary Judgment). As Plaintiff has asserted these same claims

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1. Defendant also argues that the Court should grant his Motion for Summary Judgment because he did not perform any act that violated Plaintiff's civil or common law rights. As I will grant summary judgment on other grounds, I will not address this argument further.

against Valley Township (the local entity), I will grant the Motion for Summary Judgment.<sup>2</sup>

### III. CONCLUSION

For the above reasons, I will grant Defendant Wilson Lambert's Motion for Summary Judgment.

An order follows.

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2. Plaintiff cites Coffman v. Wilson Police Department, 739 F. Supp. 257, 262 (E.D. Pa. 1990), in support of her argument. Plaintiff, however, has misinterpreted the holding of this case. In Coffman, defendants argued that the court should dismiss the chief of police as a defendant for the reason that "suits against officials in their official capacity are nothing more than actions against the government entity of which the individual was an agent." 739 F. Supp. at 262. The court rejected this argument and denied the motion, holding that the chief of police could still be liable, but only in his personal capacity. Id.

In this instance, Plaintiff has sued Defendant only in his official capacity. Thus, Coffman is distinguishable from the present situation.

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O R D E R

AND NOW, this 4th day of September, 1997, upon consideration of defendant Wilson Lambert's Motion for Summary Judgment (Docket No. 7), and plaintiff's response thereto (Docket No. 10), it is hereby ORDERED that said Motion is GRANTED.

Wilson Lambert is DISMISSED as a named defendant in this action.

BY THE COURT:

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RONALD L. BUCKWALTER, J.